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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/025,794

12/26/2001

Jeff Scott Eder

5962

53787

7590

07/12/2006

ASSET TRUST, INC.
2020 MALTBY ROAD
SUITE 7362
BOTHELL, WA 98021

EXAMINER

WEISBERGER, RICHARD C

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/025,794	Applicant(s) EDER, JEFF SCOTT	
	Examiner Richard C Weisberger	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Applicant's election with traverse of the species in the reply filed on 05/04/2006 is acknowledged. The traversal is on the ground(s) that the markush groups of claims 39,41,42,44,45, and 46 are each small in number. This is not found persuasive because the claims are not claimed in proper Markush format and the searches are burdensome in that each requires separate search criteria in the non patent literature. As to the applicant's additional arguments directed to claims 44 and 45, these too are not persuasive. The examiner fails to see why the dimensionality is relevant to the species requirement. In claim 45, the applicant is requested to further elect a type of current operation segment of value.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 112

2. Claims 35-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 35 and elsewhere, the step of **identifying an impact** of each **feature** on one or more expected process outputs is vague and indefinite. It is not clear how the claim language is carried out in the applicant's method and system. The applicant is requested to further describe this limitation.

In the claims, it is not clear how mapping the expected process outputs to the matrices of value and risk is accomplished.

In the claims it is not clear what is being simulated.

In the claims it is not clear how risk is measured and/or determined.

In the claims it is not clear how value is measured or determined.

In the claims "all the different options" is indefinite in scope. How does one determine the options?

In the claims "automated learning" is vague and indefinite. Also, how is automated learning used to develop the value and risk components.

In the claim "operating factor data" is vague and indefinite. What is the scope of operating factor data?

In the claim it is not clear how one uses simulation data to identify the impact of one or more process outputs on a matrix.

In the claims it is not clear how a real option segment of value defined the risk matrix.

In claim 45 and elsewhere, the segments of value are of improper Markush format in the at the elements are not art recognized classes. (e.g., see knowledge, processes, vendor relationships).

3. This Office action has an attached requirement for information under 37 CFR 1.105. A complete reply to this Office action must include a complete reply to the attached requirement for information. The time period for reply to the attached requirement coincides with the time period for reply to this Office action.

Art Unit: 3624

4. The closest prior art cited is considered relevant but, in view of the substantial 112nd rejections, no art rejection was applied.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached during the hours of Maxiflex.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard C Weisberger
Primary Examiner
Art Unit 3624

5. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

6. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows:

7. Please provide copies of all user guides directed to software that embody the invention of claim 35.

8. Please provide a copy of the software embodying the invention of claim 35.

9. Please provide a copy of the software and user manuals for the 360Risk Suite product.

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

10. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

11. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is

Art Unit: 3624

unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

12. This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement.

The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

Respectfully,

A handwritten signature in black ink, appearing to be 'Rich Weisberger', written over a horizontal line.

Rich Weisberger

James Trammel

SPE